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CITY OF OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

OAKLAND BULK & OVERSIZED  
TERMINAL, LLC,

Plaintiff,

v.

CITY OF OAKLAND,

Defendant.

SIERRA CLUB and SAN FRANCISCO  
BAYKEEPER,

Defendant-Intervenors.

Case No. 3:16-cv-07014-VC

**DEFENDANT'S AND DEFENDANT-  
INTERVENORS' JOINT  
DESIGNATIONS OF DEPOSITION  
TESTIMONY**

Trial Date: January 16, 2018  
Time: 8:30 a.m.  
Ctmm.: No. 2, 17<sup>th</sup> Floor  
Judge: Honorable Vince Chhabria

Pursuant to paragraph 37 of the Standing Order for Civil Trials, Defendant City of Oakland and Defendant-Intervenors Sierra Club and San Francisco Baykeeper hereby submit their joint designations of deposition testimony for the following witnesses:

1. Attached hereto as **Exhibit 1** are Defendant's and Defendant-Intervenors' joint designations of testimony from the deposition of Philip Tagami, taken on October 6 and 20, 2017.<sup>1</sup>

2. Attached hereto as **Exhibit 2** are Defendant's and Defendant-Intervenors' joint designations of testimony from the deposition of Mark McClure, taken on October 12, 2017.

3. Attached hereto as **Exhibit 3** are Defendant's and Defendant-Intervenors' joint designations of testimony from the deposition of Edward Leibsch, taken on October 17, 2017.

4. Attached hereto as **Exhibit 4** are Defendant's and Defendant-Intervenors' joint designations of testimony from the deposition of Marcel Veilleux, taken on October 17, 2017.

5. Attached hereto as **Exhibit 5** are Defendant's and Defendant-Intervenors' joint designations of testimony from the deposition of James Wolff, taken on October 10, 2017.<sup>2</sup>

6. Attached hereto as **Exhibit 6** is a copy of Plaintiff's Objection Key, which contains definitions of Plaintiff's abbreviations for various objections.

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<sup>1</sup> Plaintiff provided its objections and counter-designations for Mr. Tagami's two depositions on January 9, 2018 at 2:47 pm. Plaintiff expressly reserved the right to make additional objections or counter-designations in the future. Accordingly, and given the short turnaround time that Plaintiff afforded Defendants to provide (1) further objections to Plaintiff's counter-designations and (2) counter-counter designations, Defendants expressly reserve the right to make additional objections and/or counter-counter designations for Mr. Tagami's depositions.

<sup>2</sup> OBOT refused to provide objections or counter designations in response to Defendants' designations of testimony from the deposition of James Wolff, claiming that Defendants' designations, which were provided to OBOT's counsel on January 8, 2018, were provided too late for OBOT to provide objections and counter designations. OBOT similarly did not provide any further counter-designations or objections after Defendants provided objections and counter-designations to OBOT's Wolff designations on the same date. Several other witness designations were simultaneously being exchanged among the parties at the same time, and through the late afternoon of January 9. Defendants remain willing to meet and confer with OBOT's counsel to allow both parties to provide objections and counter designations on both sets of Wolff designations after this filing.

1 Dated: January 9, 2018

BURKE, WILLIAMS & SORESENSEN, LLP

2  
3 By: /s/ Christopher M. Long

4 Kevin D. Siegel  
5 Gregory R. Aker  
6 Timothy A. Colvig  
Christopher M. Long  
Attorneys for Defendant  
CITY OF OAKLAND

7 Dated: January 9, 2018

EARTHJUSTICE

8  
9 By: /s/ Colin O'Brien

10 Colin O'Brien  
11 Attorneys for Defendant-Intervenors  
SIERRA CLUB and SAN FRANCISCO  
BAYKEEPER

12  
13 **ATTESTATION**

14 I, Christopher M. Long, am the ECF user whose ID and password are being used to file  
15 this "Defendant's and Defendant-Intervenors' Joint Designations of Deposition Testimony."  
16 Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that Colin O'Brien has concurred in the  
17 filing of this document.

18 DATED: January 9, 2018

/s/ Christopher M. Long  
Christopher M. Long